

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-cr-30050-MAP
)	
)	
MIGUEL LOZADA,)	
Defendant.)	

THE GOVERNMENT'S AND THE DEFENDANT'S STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(C)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, through the undersigned assistant U.S. Attorney, hereby submits the following status report pursuant to Local Rule 116.5(C) and Magistrate Judge Neiman's written orders.

1. The government has provided automatic discovery to the defendant pursuant to Fed.R.Crim.P. 16 and Local Rules 116 and 117 of the District of Massachusetts. There are outstanding discovery issues in this case. First, the government filed its response (Dkt. # 20) to the Defendant's initial discovery request (Dkt. #18). Second, on March 16, 2006, the government received a request for further discovery. The government respectfully requests time to file its response to this request.

2. The Defendant has announced that he intends to raise an entrapment defense. The Defendant will not raise an alibi defense.

3. Counsel for Defendant is not yet certain as to whether he will file any motion to dismiss, or suppress on behalf of the

Defendant.

4. The parties agree that the time from March 9, 2006, through the resolution of the outstanding discovery issues is excludable from the Speedy Trial Act in the interests of justice and since the parties have not resolved the defendant's request for discovery. Accordingly, the government requests that the Court issue an order indicating that the time from initial appearance to the present is excludable pursuant to Local Rule 112.2(B).

5. The parties are unclear at present whether this case will be resolved pursuant to a trial or a change of plea.

6. The parties agree that it is appropriate to schedule a date for a hearing on the outstanding discovery issues.

Filed this 20th day of March, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Perman Glenn, Esq.
Counsel for the Defendant